

EVERGLADES NATIONAL PARK PROTECTION AND
EXPANSION ACT OF 1989

OCTOBER 13, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ANDERSON, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 1727]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 1727) to modify the boundaries of the Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are stated as amendments to the bill as reported by the Committee on Interior and Insular Affairs and are as follows:

In section 104(a)(1), strike “, acting through the Chief of Engineers,” and strike “the Secretary’s” and insert “the Secretary of the Army’s”.

In section 104, strike subsections (b) and (c) and insert the following:

(b) FLOOD PROTECTION.—

(1) RESIDENTIAL AREAS.—The Secretary of the Army shall undertake such measures as the Secretary of the Army determines are necessary to prevent flood damages to presently developed areas within the section of the East Everglades known as the “eight and one-half square mile area” which are attributable to improved water deliveries under subsection (a).

(2) AGRICULTURAL AREAS.—The Secretary of the Army shall undertake such measures as the Secretary

of the Army determines are necessary to prevent and mitigate damages to agricultural lands and crops resulting from—

- (A) higher surface water or groundwater levels,
- (B) increased frequency or severity of flooding or saturation,
- (C) increased hydroperiods, or
- (D) a combination of such conditions,

which are attributable to improve water deliveries under subsection (a) or to measures undertaken under paragraph (1) of this subsection.

(3) **PAYMENT OF COMPENSATION.**—The measures which the Secretary of the Army may undertake under paragraph (2) may include payment of compensation for damages to agricultural lands and crops.

(4) **LIMITATION ON MODIFYING IMPROVED WATER DELIVERIES.**—The measures which the Secretary of the Army may undertake under paragraph (2) may not include any modification of improved water deliveries under subsection (a) if the Secretary of the Interior determines that such modification will have an adverse effect on the Everglades National Park.

(5) **EXPEDITIOUS ACTION.**—If, after implementation of improved water deliveries under subsection (a), the Secretary of the Army determines that damages described in paragraph (2) are or will be occurring, the Secretary shall undertake measures under paragraph (2) to prevent or mitigate such damages as expeditiously as possible.

(c) **COORDINATION.**—The Secretary of the Interior and the Secretary of the Army shall coordinate the land acquisition program under section 102 and the programs under this section in such a manner as will permit such programs to proceed concurrently and as will minimize damages to private lands before their acquisition by the Secretary of the Interior under section 102. None of such programs shall proceed until initial funds have been appropriated for all of such programs.

In section 104(e), strike “, acting through the Chief of Engineers,”.

INTRODUCTION

The Committee on Interior and Insular Affairs reported H.R. 1727 on July 26, 1989 and the bill was sequentially referred to the Committee on Public Works and Transportation for a period ending October 13, 1989.

H.R. 1727, as reported by the Committee on Interior and Insular Affairs, authorizes modifications to the boundaries of the Everglades National Park and provides for the protection of lands, waters, and natural resources within the Park. The bill also authorizes and directs the Secretary of the Army to construct modifications to the Central and Southern Florida Project necessary to improve water deliveries into the Everglades National Park. Be-

cause of the provision affecting the water resources program of the U.S. Army Corps of Engineers, this Committee received sequential referral of the bill.

Everglades National Park, dedicated in 1947, was established to preserve the subtropical region at the southern tip of Florida. The ecology of the Everglades National Park is totally dependent upon the wet and dry water cycles resulting from the runoff of most of the southern one-half of the Florida peninsula. These natural cycles have been significantly modified by the Central and Southern Florida Project, which involves an area of about 16,000 square miles, including all or part of 18 counties in Central and Southern Florida. The first phase of the project was authorized in 1948 and it has been amended through a series of Acts extending through 1968. The project consists of a comprehensive water management system for the purposes of flood control; municipal, industrial, and agricultural water supply; prevention of salt water intrusion; preservation of fish and wildlife; water supply to Everglades National Park; navigation; and, recreation.

Construction of the project interfered with the historical sheet flow of water which previously supplied water to the Everglades National Park. In the 1960's, great concern was expressed over the lack of water supply to the Park. In response to that concern, section 2 of P.L. 91-282 provided that delivery of water from the Central and Southern Florida Project to the Everglades should be not less than 350,000 acre-feet annually pro rated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 16.5 percent of total deliveries from the Project for all purposes including supplying water to the Park, whichever is less.

The results from this delivery schedule were not satisfactory and Congress authorized an experimental water delivery program in the 1984 Supplemental Appropriations Act. That program was to enable the collection of hydrologic and ecologic data through the testing of various methods of improving water deliveries to the Park. The experimental program led to the Corps of Engineers preparing a General Design Memorandum on improved water deliveries which will include designs and cost estimates for the necessary structural and operational modifications to the Project. The modifications to the Central and Southern Florida Project which would be authorized by this bill are considered vital to the long-term health and viability of the Everglades National Park.

ACTION BY THE COMMITTEE

The Committee on Public Works and Transportation adopted an amendment to section 104 of H.R. 1727, as reported by the Committee on Interior and Insular Affairs. The first part of the amendment strikes the phrase "acting through the Chief of Engineers" and specifies that the authority to construct a project is given to the Secretary of the Army. This conforms with the style of authorizations used by the Committee in authorizing activities of the Corps of Engineers.

The second part of the amendment would strike existing subsections (b) and (c) of section 104 and insert new subsections (b) and (c).

The subsections, as reported by the Committee on Interior and Insular Affairs, authorize the Secretary of the Army to construct flood protection measures for the presently developed residential "eight and one-half square mile area" that may be adversely impacted by the improved water deliveries, and to construct flood control or drainage works as may be necessary to prevent adverse effects on agricultural operations in the area known as "Frog Pond" from any structural or non-structural flood control, drainage, or water flow improvement or modification authorized by section 104. The subsections also require coordination of the land acquisition authorized in the bill and the construction program. The Committee's amendments to these subsections are intended to broaden the measures available to the Secretary of the Army to prevent or mitigate any damages to the residential area or any agricultural area which may result from the improved water deliveries.

New subsection (b) requires the Secretary of the Army to undertake such measures as the Secretary determines are necessary to prevent flood damages to presently developed residential areas within the section of the East Everglades known as the "eight and one-half square mile area" which are attributable to improved water deliveries to the Everglades under subsection (a) of section 104. These measures could include both structural measures and non-structural measures such as acquisition of property or interests in property. Subsection (a) is the authorization to modify the Central and Southern Florida Project to provide the improved water deliveries to the Everglades.

The Secretary of the Army is further directed to take such measures as the Secretary determines are necessary to prevent and mitigate damages to agricultural lands and crops resulting from higher surface or ground water levels, increased frequency or severity of flooding or saturation, increased hydroperiods, or a combination of such conditions, which are attributable to improved water deliveries under the modified project or to measures undertaken to protect the residential areas. Measures undertaken under this subsection may include, among other things, the payment of compensation for damages to agricultural lands and crops as well as structural measures and non-structural measures such as acquisition of property.

The measures which the Secretary may undertake to prevent or mitigate damages may not include any modification of improved water deliveries if the Secretary of the Interior determines that such modification will have an adverse effect on the Everglades National Park. If the improved water deliveries which occur after modifications to the Central and Southern Florida Project result or will result in damages to the agricultural lands and crops, the Secretary is to undertake prevention and mitigation efforts as expeditiously as possible.

New subsection (c) provides that the Secretary of the Interior and the Secretary of the Army are to coordinate the land acquisition program for the expansion of the Everglades which is authorized under section 102 of the bill and the programs under section

104, relating to modifications to the Central and Southern Florida Project and prevention and mitigation of damages, in such a manner as will permit such programs to proceed concurrently and as will minimize damages to private lands before their acquisition by the Secretary of the Interior for the expansion of the Park. None of the programs are to proceed until initial funds have been appropriated for all of such programs.

COMPLIANCE WITH CLAUSE 2(L) OF RULE XI OF THE RULES OF THE
HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Subcommittee on Investigations and Oversight has not made findings and recommendations on the subject matter of the legislation.

(2) With reference to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, H.R. 1727, as reported, does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures, accordingly, a statement pursuant to section 308(a) of the Congressional Budget Act is not required.

(3) With reference to clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee has received the report on H.R. 1727 prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act. The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 12, 1989.

HON. GLENN M. ANDERSON,
*Chairman, Committee on Public Works and Transportation,
U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the amendments to H.R. 1727, the Everglades National Park Protection and Expansion Act of 1989, as ordered reported by the House Committee on Public Works and Transportation on October 12, 1989. (H.R. 1727 was reported by the House Committee on Interior and Insular Affairs on July 26, 1989). Enactment of these amendments is expected to have no impact on the federal budget or on those of state and local governments.

Section 104 of H.R. 1727, as amended, would direct the Secretary of the Army to undertake any necessary measures to prevent flood damage in a section of the East Everglades. Such measures may include the payment of compensation for damage to agricultural lands and crops. Based on information obtained from the Army Corps of Engineers, CBO does not expect any flood prevention measures or damage compensation to occur.

On July 19, 1989, CBO prepared a cost estimate for H.R. 1727, as ordered reported by the House Committee on Interior and Insular Affairs. The estimated costs of the two versions of the bill would be the same.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

(4) With reference to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee does not have oversight findings and recommendations from the Committee on Government Operations on H.R. 1727.

(5) With reference to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the following information is provided: The effect of carrying out H.R. 1727, as reported, should be minimal with respect to inflationary impacts on prices and costs and the operation of the National economy.

COST OF LEGISLATION

Clause 7(a) of rule XIII, of the Rules of the House of Representatives requires a statement of the estimated costs of the United States which would be incurred in carrying out H.R. 1727, as reported, in fiscal year 1990, and each of the following five years. However, under paragraph (d) of clause 7, its provisions do not apply when the Committee has received a timely cost estimate and comparison prepared by the director of the Congressional Budget Office and which is included in this report.

COMMITTEE ACTION AND VOTE

The Committee, in compliance with rule XI(2)(1)(2)(A) of the Rules of the House of Representatives, reports favorably the bill, H.R. 1727, as amended. The Committee ordered by bill reported by voice vote.

○